

## **REMARKS**

Claims 1 through 4 and 11 through 24 are pending.

Claims 1 through 4 and 11 through 24 are rejected.

Claims 1, 18, 26 and 34 are herein amended.

### **Discussion of the rejection based on 35 U.S.C. § 102**

Examiner has rejected claims 1 through 3 and 11 through 24 under 35 U.S.C. § 102(e) as being anticipated over US Application 2003/0055894 (Yeager).

Examiner has indicated that the prior art of record could be overcome if the claim is amended to include the language “and is invoked only when said resource of said first computer entity is not being used.”

Applicant has essentially amended the independent claims 1, 18, 26 and 34, clarifying what is meant by the limitation referred to by Examiner. Specifically, each independent claim 1, 18, 26 and 34 has been amended to include the limitation: “said process utilizes said resource of said first computer entity, and is invoked as a background activity to manage said second computer entity only when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol.” Such provision of network management service as a background activity is discussed in the Specification, for example, at page 7, line 28 through page 8, line 13.

## **CONCLUSION**

Applicant believes that entry of this Amendment is proper because it is made in response to Examiner’s suggestion of the way the prior art of record could be overcome and thus the case could be placed into condition for allowance.

Entry of this Amendment will place the present case in condition for allowance and therefore favorable action is respectfully requested. This response is believed to be a complete response to the Office Action; however, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the

arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. The absence of a reply to a specific rejection, issue, or comment in the Office Action does not signify agreement with or concession of that rejection, issue, or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,  
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